

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6842 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

CHIMANBHAI R PATEL

Versus

COMPETENT AUTHORITY AND DY COLLECTOR

Appearance:

NOTICE UNSERVED for Petitioners

MR VM PANCHOLI, AGP for Respondents

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 13/07/1999

ORAL JUDGEMENT

The petitioners were represented by advocate Mr HL Patel who has unfortunately expired during pendency of this petition. It appears that this Court had earlier issued notice to the petitioners, but the same are returned unserved as they were not found due to incomplete address. However, in view of the facts stated in hereinafter and the subsequent legal developments, this Court has proceeded with the final hearing in

absence of the petitioners.

2. Heard Mr VM Pancholi, learned AGP for the respondents.

3. The petitioners have challenged the order passed by the State Government under Section 34 of the Urban Land (Ceiling & Regulation) Act, 1976. It is an admitted fact that the authorities have not taken over possession of the land in question from the petitioners, which fact is not in dispute in view of the written instructions dated 23.6.1999 received by the learned AGP from the Section Officer, Revenue Department.

4. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the order impugned in the present petition does not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

5. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

July 13, 1999 (M.S. Shah, J.)

sundar/-